

***United States Court of Appeals***

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

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May 01, 2023

Mr. Philip Devlin  
Western District of Texas, El Paso  
United States District Court  
525 Magoffin Avenue  
Room 108  
El Paso, TX 79901-0000

No. 22-51015      USA v. Marquez  
USDC No. 3:21-CR-1816-1

Dear Mr. Devlin,

Enclosed is a copy of the judgment issued as the mandate and a copy of the court's opinion.

Sincerely,

LYLE W. CAYCE, Clerk



By: \_\_\_\_\_  
Casey A. Sullivan, Deputy Clerk  
504-310-7642

cc:  
Ms. Margaret Mary Embry  
Mr. Joseph H. Gay Jr.  
Mr. Robert Marquez Jr.



# United States Court of Appeals for the Fifth Circuit

Certified as a true copy and issued  
as the mandate on May 01, 2023

Attest: *Lyle W. Cayce*  
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 22-51015  
Summary Calendar

United States Court of Appeals  
Fifth Circuit

**FILED**

April 7, 2023

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

ROBERT MARQUEZ, JR.,

*Defendant—Appellant.*

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 3:21-CR-1816-1

Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

## J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the appeal is DISMISSED.

# United States Court of Appeals for the Fifth Circuit

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Before KING, HIGGINSON, and WILLETT, *Circuit Judges.*

PER CURIAM:\*

Robert Marquez, Jr., appeals his 57-month sentence for the importation of five kilograms or more of cocaine and aiding and abetting. He pleaded guilty pursuant to a plea agreement that included, inter alia, a waiver of his right to appeal. The Government seeks enforcement of the appeal waiver, and Marquez makes no arguments to the contrary.

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\* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

No. 22-51015

We review whether the appeal waiver bars Marquez’s appeal de novo. *See United States v. Keele*, 755 F.3d 752, 754 (5th Cir. 2014). Marquez unambiguously acknowledged that he voluntarily and knowingly waived his right to appeal his conviction and sentence on any ground in the written plea agreement as well as during the plea colloquy. Given the explicit relinquishment of the right to challenge his sentence, the waiver undoubtedly “applies to the circumstances at hand.” *United States v. Bond*, 414 F.3d 542, 544 (5th Cir. 2005). Therefore, the record demonstrates that the appeal waiver is valid and enforceable. *See id.*

DISMISSED.<sup>1</sup>

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<sup>1</sup> Counsel for Marquez is CAUTIONED that pursuing an appeal contrary to a valid waiver and without responding to the Government’s invocation of the waiver is a needless waste of judicial resources that could result in sanctions. *See United States v. Gaitan*, 171 F.3d 222, 223-24 (5th Cir. 1999).